

106TH CONGRESS  
1ST SESSION

# S. 1685

To authorize the Golden Spike/Crossroads of the West National Heritage Area.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 1999

Mr. BENNETT introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To authorize the Golden Spike/Crossroads of the West National Heritage Area.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Golden Spike/Cross-  
5 roads of the West National Heritage Area Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the industrial, cultural, and natural heritage  
9 legacies of linking the United States by rail in

1 northern Utah at the Crossroads of the West are na-  
2 tionally significant;

3 (2) in the areas of northern Utah (including  
4 and in proximity to Ogden, Utah), linking the  
5 United States by rail at the Crossroads of the West  
6 helped establish and expand the industrial power of  
7 the United States;

8 (3) the economic strength of the United States  
9 is connected integrally to the vitality of the inter-  
10 continental railways, which employ millions of work-  
11 ers;

12 (4) the industrial and cultural heritage of the  
13 intercontinental railways at the Crossroads of the  
14 West includes social history and living cultural tradi-  
15 tions of several generations;

16 (5) the National Historic District in Ogden,  
17 Utah, is a prime example of the cultural heritage of  
18 the linking of the United States by rail at the Cross-  
19 roads of the West;

20 (6)(A) the Department of the Interior is re-  
21 sponsible for protecting and interpreting the cultural  
22 and historic resources of the United States; and

23 (B) there are significant examples of cultural  
24 and historic resources in Ogden, Utah, and northern  
25 Utah that merit the involvement of the Federal Gov-

1       ernment to develop programs and projects in co-  
 2       operation with the city of Ogden, Utah, and other  
 3       local and governmental bodies, to adequately con-  
 4       serve, protect, and interpret the heritage for the  
 5       education and recreational benefit of people of the  
 6       United States;

7               (7) the city of Ogden, Utah, would be an appro-  
 8       priate entity to oversee the development of the Her-  
 9       itage Area; and

10              (8) a 1993 National Park Service study, enti-  
 11       tled “Golden Spike Rail Feasibility Study”, dem-  
 12       onstrated that sufficient historical resources exist to  
 13       establish the Heritage Area.

14       (b) PURPOSES.—The purposes of this Act are to es-  
 15       tablish the Golden Spike/Crossroads of the West National  
 16       Heritage Area—

17              (1) to foster a close working relationship with  
 18       all levels of government, the private sector, and the  
 19       local communities in Utah;

20              (2) to empower communities in Utah to con-  
 21       serve their Golden Spike heritage while strength-  
 22       ening future economic opportunities; and

23              (3) to conserve, interpret, and develop the his-  
 24       torical, cultural, natural, and recreational resources

1 related to the industrial and cultural heritage of the  
2 Heritage Area.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CITY.—The term “City” means the city of  
6 Ogden, Utah.

7 (2) HERITAGE AREA.—The term “Heritage  
8 Area” means the Golden Spike/Crossroads of the  
9 West National Heritage Area established by section  
10 4.

11 (3) MANAGEMENT PLAN.—The term “manage-  
12 ment plan” means the management plan for the  
13 Heritage Area required under section 6(a).

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16 **SEC. 4. GOLDEN SPIKE/CROSSROADS OF THE WEST NA-**  
17 **TIONAL HERITAGE AREA.**

18 (a) ESTABLISHMENT.—There is established in the  
19 State of Utah the Golden Spike/Crossroads of the West  
20 National Heritage Area.

21 (b) BOUNDARIES.—The boundaries of the Heritage  
22 Area—

23 (1) shall be those specified in the management  
24 plan approved under section 6; and

25 (2) shall include land in Utah related to—

1 (A) Union Pacific Station in Ogden, Utah;  
2 and

3 (B) 24th and 25th Street Historic District  
4 in Ogden, Utah.

5 (c) MAP.—

6 (1) PREPARATION.—The Secretary shall pre-  
7 pare a map of the Heritage Area.

8 (2) AVAILABILITY.—The map described in sub-  
9 paragraph (A) shall be on file and available for pub-  
10 lic inspection in the office of the Director of the Na-  
11 tional Park Service.

12 (d) ADMINISTRATION.—The Heritage Area shall be  
13 administered in accordance with this Act.

14 (e) STUDY.—The Secretary, in cooperation with the  
15 City, shall conduct a study to determine the feasibility of  
16 establishing a national heritage corridor from the City to  
17 Promontory Point.

18 (f) ADDITIONS OF LANDS.—The Secretary may add  
19 land to the Heritage Area in response to a request from  
20 the City.

21 **SEC. 5. DESIGNATION OF CITY AS MANAGEMENT ENTITY.**

22 (a) IN GENERAL.—The City shall be the management  
23 entity for the Heritage Area.

24 (b) FEDERAL FUNDING.—

1           (1) AUTHORIZATION TO RECEIVE FUNDS.—Sub-  
 2       ject to paragraph (2), the City may receive amounts  
 3       appropriated to carry out this Act.

4           (2) DISQUALIFICATION.—If a management plan  
 5       for the Heritage Area is not submitted to the Sec-  
 6       retary in accordance with section 6, the City shall  
 7       cease to be authorized to receive Federal funding  
 8       under this Act until the date on which a manage-  
 9       ment plan is submitted to the Secretary.

10       (c) AUTHORITIES OF CITY.—The City may, for pur-  
 11      poses of preparing and implementing the management  
 12      plan, use Federal funds made available under this Act—

13           (1) to make grants and loans to the State of  
 14      Utah (including political subdivisions), nonprofit or-  
 15      ganizations, and other persons;

16           (2) to enter into cooperative agreements with or  
 17      provide technical assistance to Federal agencies, the  
 18      State of Utah (including political subdivisions), non-  
 19      profit organizations, and other persons;

20           (3) to hire and compensate staff;

21           (4) to obtain money from any source under any  
 22      program or law requiring the recipient of the money  
 23      to make a contribution in order to receive the  
 24      money;

25           (5) to contract for goods and services; and

1           (6) for such other activities as are necessary to  
2           carry out the duties of the City under this Act.

3           (d) PROHIBITION OF ACQUISITION OF REAL PROP-  
4           ERTY.—The City shall not use Federal funds received  
5           under this Act to acquire real property or any interest in  
6           real property.

7   **SEC. 6. MANAGEMENT DUTIES OF THE CITY.**

8           (a) HERITAGE AREA MANAGEMENT PLAN.—

9           (1) SUBMISSION FOR REVIEW BY SECRETARY.—  
10          Not later than 3 years after the date of enactment  
11          of this Act, the City shall submit to the Secretary  
12          a management plan for the Heritage Area.

13          (2) PLAN REQUIREMENTS, GENERALLY.—A  
14          management plan submitted under this section  
15          shall—

16                (A) present comprehensive recommenda-  
17                tions for the conservation, funding, manage-  
18                ment, and development of the Heritage Area;

19                (B) be prepared with public participation;

20                (C) take into consideration existing Fed-  
21                eral, State, county, and local plans;

22                (D) involve residents, public agencies, and  
23                private organizations in the management of the  
24                Heritage Area;

(E) include a description of recommended actions that units of government and private organizations should take to protect the resources of the Heritage Area; and

(F) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan shall include, as appropriate, the following:

(A) An inventory of resources contained in the Heritage Area that—

(i) shall include a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area; and

(ii) shall not include property that is privately owned, unless the owner of the property consents in writing to the inclusion.



(B) Recommendations for the interpretation of the Heritage Area, including recommendations for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that maintains appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including—

(i) plans for restoration and construction; and

(ii) a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of the means by which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan

1 by the City, the Secretary shall approve or dis-  
2 approve the plan.

3 (B) NO ACTION ON PLAN.—If the Sec-  
4 retary does not approve or disapprove the plan  
5 in accordance with subsection (A), the plan  
6 shall be considered approved.

7 (C) DISAPPROVAL.—If the Secretary dis-  
8 approves the plan under subparagraph (A), the  
9 Secretary shall, in writing—

10 (i) advise the City of the reasons for  
11 the disapproval; and

12 (ii) make recommendations to the City  
13 for the revision of the plan.

14 (D) PROPOSED REVISIONS TO PLAN.—Not  
15 later than 60 days after receipt from the City  
16 of proposed revisions to the plan, the Secretary  
17 shall approve or disapprove the proposed revi-  
18 sions.

19 (E) NO ACTION ON PROPOSED REVI-  
20 SIONS.—If the Secretary does not approve or  
21 disapprove the proposed revisions to the plan in  
22 accordance with subparagraph (D), the plan  
23 and proposed revisions shall be considered ap-  
24 proved.

1 (b) PRIORITIES.—The City shall give priority to the  
 2 implementation of actions, goals, and policies set forth in  
 3 the management plan for the Heritage Area, including—

4 (1) the conservation of the Heritage Area;

5 (2) the establishment and maintenance of inter-  
 6 pretive exhibits in the Heritage Area;

7 (3) the development of recreational opportuni-  
 8 ties in the Heritage Area;

9 (4) the increase in public awareness of and ap-  
 10 preciation for the natural, historical, and cultural re-  
 11 sources of the Heritage Area;

12 (5) the restoration of historic buildings that are  
 13 located within the boundaries of the Heritage Area  
 14 and related to the theme of the Heritage Area;

15 (6) the placement of clear, consistent, and envi-  
 16 ronmentally appropriate signs identifying access  
 17 points and sites of interest throughout the Heritage  
 18 Area; and

19 (7) the encouragement of economic viability in  
 20 the affected communities by appropriate means, in  
 21 accordance with the goals of the management plan.

22 (c) CONSIDERATION OF INTERESTS OF LOCAL  
 23 GROUPS.—The City shall, in preparing and implementing  
 24 the management plan, consider the interests of diverse

1 units of government, businesses, private property owners,  
 2 and nonprofit groups in the Heritage Area.

3 (d) PUBLIC MEETINGS.—The City shall conduct pub-  
 4 lic meetings at least annually regarding the implementa-  
 5 tion of the management plan.

6 (e) ANNUAL REPORTS.—The City shall, for each fis-  
 7 cal year in which the City receives Federal funds under  
 8 this Act, submit to the Secretary an annual report that  
 9 describes—

10 (1) the accomplishments of the City;

11 (2) the expenses and income of the City; and

12 (3) each entity to which the City made a loan  
 13 or grant during the year.

14 (f) COOPERATION WITH AUDITS.—The City shall, for  
 15 any fiscal year in which the City receives Federal funds  
 16 under this Act, make available for audit by Congress, the  
 17 Secretary, and appropriate units of government—

18 (1) all records and other information pertaining  
 19 to the expenditures of Federal funds by other orga-  
 20 nizations that the receiving organizations make  
 21 available for audit; and

22 (2) all records and other information pertaining  
 23 to the expenditure of Federal funds.

24 (g) DELEGATIONS.—

1           (1) IN GENERAL.—The City may delegate the  
 2           responsibilities and actions under this section for  
 3           each area or district identified in section 4(b)(2).

4           (2) REVIEW AND APPROVAL.—All responsibil-  
 5           ities and actions delegated under paragraph (1) shall  
 6           be subject to review and approval by the City.

7 **SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

8           (a) TECHNICAL ASSISTANCE AND GRANTS.—

9           (1) IN GENERAL.—The Secretary may provide  
 10          technical assistance and, subject to the availability  
 11          of appropriations, grants, to assist in implementa-  
 12          tion of the management plan, to—

13                   (A) the City; and

14                   (B) on request of the City, units of govern-  
 15          ment, nonprofit organizations, and other per-  
 16          sons.

17          (2) PROHIBITION OF CERTAIN REQUIRE-  
 18          MENTS.—The Secretary shall not, as a condition of  
 19          the award of technical assistance or grants under  
 20          this section, require any recipient of the technical  
 21          assistance or grant to enact or modify land use re-  
 22          strictions.

23          (3) DETERMINATIONS REGARDING ASSIST-  
 24          ANCE.—

1           (A) IN GENERAL.—The Secretary shall de-  
2           termine whether, and in what amount, technical  
3           assistance or a grant shall be awarded under  
4           paragraph (1), giving preference to projects  
5           that provide a greater leverage of Federal  
6           funds.

7           (B) CRITERIA FOR DETERMINATION.—A  
8           determination under subparagraph (A) shall be  
9           based on the relative degree to which the tech-  
10          nical assistance or grant effectively—

11                   (i) fulfills the objectives contained in  
12                   the management plan; and

13                   (ii) achieves the purposes of this Act.

14          (b) PROVISION OF INFORMATION.—In cooperation  
15          with other Federal agencies, the Secretary shall provide  
16          the general public with information regarding the location  
17          and character of the Heritage Area.

18          (c) OTHER ASSISTANCE.—The Secretary may enter  
19          into cooperative agreements with public and private orga-  
20          nizations for the purposes of implementing this section.

21          (d) DUTIES OF OTHER FEDERAL AGENCIES.—Any  
22          Federal entity conducting any activity directly affecting  
23          the Heritage Area shall—

24                   (1) consider the potential effect of the activity  
25                   on the management plan; and

1           (2) consult with the City with respect to the ac-  
 2           tivity to minimize the adverse effects of the activity  
 3           on the Heritage Area.

4 **SEC. 8. LACK OF EFFECT ON LAND USE REGULATION AND**  
 5 **PRIVATE PROPERTY.**

6           (a) LACK OR EFFECT ON AUTHORITY OF LOCAL  
 7 GOVERNMENT.—Nothing in this Act modifies or otherwise  
 8 affects any authority of Federal, State, or local govern-  
 9 ments to regulate any use of land under any other law  
 10 (including a regulation).

11          (b) LACK OF ZONING OR LAND USE POWERS.—  
 12 Nothing in this Act grants powers of zoning or land use  
 13 control to the City.

14          (c) LOCAL AUTHORITY AND PRIVATE PROPERTY  
 15 NOT AFFECTED.—Nothing in this Act affects or author-  
 16 izes the City to interfere with—

17           (1) the rights of any person with respect to pri-  
 18           vate property; or

19           (2) any local zoning ordinance or land use plan  
 20           of the State of Utah (including a political subdivi-  
 21           sion).

22 **SEC. 9. SUNSET.**

23           The Secretary shall not make a grant or provide any  
 24 assistance under this Act after September 30, 2016.

1   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2           (a) IN GENERAL.—There is authorized to be appro-  
3   priated to carry out this Act \$1,000,000 for each fiscal  
4   year, except that the total amount authorized to be appro-  
5   priated to carry out this Act shall not exceed \$10,000,000.

6           (b) 50 PERCENT MATCH.—Federal funding provided  
7   under this Act may not exceed 50 percent of the total cost  
8   of any activity carried out with Federal funds.

○